

City Council

Bob Wasserman, Mayor
Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Acting Economic Dev. Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

Work Session 5:30 p.m. (Please note time change)

Regular Meeting 7:00 p.m.

General Order of Business

- 1. Preliminary
 - Call to Order-5:30 p.m.
 - Salute to the Flag
 - Roll Call
- 2. Work Session Items
- 3. Consent Calendar
- 4. Ceremonial Items
- 5. Public Communications
- 6. Scheduled Items
- 7. Report from City Attorney
- 8. Other Business
- 9. Council Communications
- 10. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

Agenda and Report • Fremont City Council Meeting • December 15, 2009



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak. Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk

City of Fremont

3300 Capitol Avenue, Bldg. A

Fremont, California 94538

Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA FREMONT CITY COUNCIL WORK SESSION DECEMBER 15, 2009 COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A 5:30 P.M.

(Please note time change.)

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. WORK SESSION ITEMS

Times Are Approximate 5:30 – 7:00 p.m.

2.1 MIDTOWN DISTRICT COMMUNITY PLAN AND DESIGN GUIDELINES

Contact Person:

Name: Wayne Morris Jill Keimach Title: Senior Planner Director

Dept.: Community Development Community Development

Phone: 510-494-4729 510-494-4443

E-Mail: wmorris@fremont.gov jkeimach@fremont.gov

Public Comment

AGENDA FREMONT CITY COUNCIL REGULAR MEETING DECEMBER 15, 2009 COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A 7:00 P.M.

3. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 3.1 Motion to Waive Further Reading of Proposed Ordinances (This permits reading the title only in lieu of reciting the entire text.)
- 3.2 Approval of Minutes for the Special Meeting of June 23, 2009
- 3.3 Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title VIII, Chapter 2, Article 19.1 Regarding Historic Resources

RECOMMENDATION: Adopt ordinance.

3.4 PROPERTY TAX EXCHANGE RELATED TO ACWD ANNEXATION
Exchange of Property Tax Increment Resulting from Territory within the City of
Fremont Annexed to the Alameda County Water District

Contact Person:

Name: Catherine Chevalier Harriet Commons

Title: Budget Manager Director

Dept.: Finance Finance

Phone: 510-494-4615 510-284-4010

E-Mail: cchevalier@fremont.gov hcommons@fremont.gov

RECOMMENDATION: Adopt a resolution providing for the exchange of property tax revenues equal to 90% of the share ACWD normally receives in a similar tax code area as the result of the area located in Fremont known as the site of the future Warm Springs BART Station, being annexed into the Alameda County Water District.

3.5 CITY COUNCIL CONSENT TO HOLD JOINT PUBLIC HEARING ON PROPOSED PLAN AMENDMENT

City Council Authorization to Hold Joint Public Hearing with Agency Board on Proposed Plan Amendment

Contact Person:

Name: Elisa Tierney Melissa Stevenson Dile Title: Redevelopment Agency Director Deputy City Manager Dept.: City Manager's Office City Manager's Office

Phone: 510-494-4501 510-284-4005 E-Mail: etierney@fremont.gov mdile@fremont.gov

RECOMMENDATION: Adopt a resolution authorizing a joint public hearing with the Agency Board on February 16, 2010 to consider the proposed Amended Plan and the accompanying Final SEIR and Final Report to Council/State Report, including an Amended Five-Year Implementation Plan.

3.6 AUTHORIZATION TO ACCEPT OWNERSHIP OF THE NILES TOWN PLAZA PROPERTY FROM THE REDEVELOPMENT AGENCY

Authorization for the City Manager to Execute Such Documents as Necessary to Accept the Niles Town Plaza Property from the Redevelopment Agency

Contact Person:

Name: Josh Huber Elisa Tierney
Title: Project Manager Director

Dept.: Redevelopment Agency Redevelopment Agency

Phone: 510-494-4513 510-494-4501

E-Mail: jhuber@fremont.gov etierney@fremont.gov

RECOMMENDATION: Authorize the City Manager, or his designee, to take such action and execute such documents as necessary to accept conveyance of the Niles Town Plaza from the Redevelopment Agency of the City of Fremont.

3.7 DELEGATION OF AUTHORITY TO CITY MANAGER DURING COUNCIL RECESS Delegation of Authority to City Manager during Council Recess, December 16, 2009 through January 11, 2010

Contact Person:

Name: Dawn Abrahamson Melissa Stevenson Dile Title: City Clerk Deputy City Manager

 Dept.:
 City Clerk
 City Manager

 Phone:
 510-284-4063
 510-284-4005

E-Mail: dabrahamson@fremont.gov mdile@fremont.gov

RECOMMENDATION: Adopt resolution authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this

report, and to take the following actions:

- Increase the City Manager's change order authority from 20% to 25% for the Niles Town Plaza Project, not to exceed \$100,000
- 2. Authorize the City Manager or designee to (1) approve additional funding for the Family Resource Center Soffit and Fascia Replacement project located at 39155 Liberty Street, Fremont, in the amount of \$41,000 for unforeseen conditions discovered during construction; (2) appropriate unallocated ARRA CDBG-R funding of \$41,000 to 194 PWC 8705; (3) direct staff to return any unused funds to Fund 194 PWC 8716 account at the closeout of the project; and (4) execute any other implementing documents.
- 3. Authorize the City Manager or designee to execute a Joint Powers Agreement with Newark Unified School District for the Youth and Family Services division of the Human Services Department to provide Healthy Choices school-site counseling services for an amount not to exceed \$5,094.

3.8 SFPUC BAY DIVISION PIPELINE AGREEMENT

Consideration of a Resolution Adopting Findings as a Responsible Agency Under the California Environmental Quality Act for the SFPUC Bay Division Pipeline No. 5 Project and Approval of a Memorandum of Agreement with SFPUC Covering the Construction of the Bay Division Pipeline No. 5 within City Right Of Way or Other City Property

Contact Person:

Name: Norm Hughes Kelly Diekmann Title: City Engineer Senior Planner

Community Development Community Development Dept.:

Phone: 510-494-4748 510-494-4540

E-Mail: nhughes@fremont.gov kdiekmann@fremont.gov

RECOMMENDATION: Staff recommends the Council:

- Adopt a Resolution Making Findings as a Responsible Agency Pursuant to California Environmental Quality Act for the Bay Division Pipeline Number 5 Project for which San Francisco Public Utility Commission is the Lead Agency.
- 2. Authorize the City Manager or his designee to execute a Memorandum of Agreement with the San Francisco Public Utilities Commission relating to the Bay Division Pipeline Number 5 Project as described herein; and approve amendments to the Agreement, if required, provided the amendments do not have any negative fiscal impact upon the City.
- 3. Authorize the City Manager or his designee to grant a no-cost Access Easement to the City and County of San Francisco, in accordance with the Memorandum of Agreement, for access to the SFPUC Bay Division Pipeline facilities near the Paseo Padre Parkway Grade Separation.

3.9 SAN FRANCISCO BAY TRAIL REGIONAL DEVELOPMENT PROGRAM GRANT ACCEPTANCE

Adopt a Resolution Authorizing the City Manager to Execute an Agreement to Accept a Grant from the Association of Bay Area Governments (ABAG) Bay Trail Projects for the Fremont Bay Trail Gap Feasibility Study

Contact Person:

Name: Rene Dalton Kunle Odumade

Title: Associate Transportation Engineer Transportation Engineer

Dept.: Transportation & Operations Transportation & Operations

Phone: 510-494-4535 510-494-4746

E-Mail: rdalton@fremont.gov kodumade@fremont.gov

RECOMMENDATION:

- 1. Adopt a resolution authorizing the City Manager or designee to execute a Planning Grant Agreement with the Association of Bay Area Governments (ABAG) for the Fremont Bay Trail Gap Feasibility Study.
- 2. Appropriate grant funds in the amount of \$75,000 to 525PWC 8707 (Bay Trail Alternative Alignment Study).

3.10 AWARD CONSTRUCTION CONTRACT FOR THE CENTRAL PARK DOG PARK SHADE SHELTERS (PWC8431A)

Approve the Plans and Specifications and Award a Construction Contract in the Amount of \$116,629 for the Purchase and Installation of Shade Shelters and Site Furnishings at the Central Park Dog Park, City Project No. PWC 8431A

Contact Person:

Name: Roger Ravenstad Mark Mennucci

Title: Senior Landscape Architect Associate Landscape Architect

Dept.: Community Development Community Development

Phone: 510-494-4723 510-494-4530

E-Mail: rravenstad@fremont.gov mmennucci@fremont.gov

RECOMMENDATION:

- 1. Approve the Plans and Specifications for the Central Park Dog Park Shade Shelters, City Project No. PWC 8431A (Fund 182-PWC8431A-6106).
- 2. Award a construction contract to Ross Recreation Equipment Co., Inc., for the base bid amount of \$92,596, plus Alternate #1 for \$15,369 and Alternate #2 for \$8,664, for a total contract amount of \$116,629, and authorize the City Manager or his designee to execute the contract.

3.11 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2008/09 Consideration of the Development Impact Fee Annual Report for Fiscal Year 2008/09 and Findings Required by the Mitigation Fee Act

Contact Person:

Name: Jill Keimach Harriet Commons

Title: Director Director

Dept.: Community Development Finance
Phone: 510-494-4767 510-284-4010

E-Mail: jkeimach@fremont.gov hcommons@fremont.gov

RECOMMENDATION: Adopt a resolution to approve the Development Impact Fee Annual Report for Fiscal Year 2008/09, and to make the findings required by the Mitigation Fee Act, as follows:

- 1. The purpose of the park dedication in-lieu fees is for all new residential development to pay for new development's share of the cost of acquiring land for parks in Fremont.
- 2. The purpose of the park facilities fees is to fund new development's share of the development of new recreational facilities in Fremont.
- 3. The purpose of the traffic impact fees is to fund new development's share of the development of new traffic improvements in Fremont.
- 4. The purpose of the fire facilities fees is to fund new development's share of the development of new fire facilities in Fremont.
- 5. The purpose of the capital facilities fees is to fund new development's share of the development of new capital facilities in Fremont.
- 6. The reasonable relationship between the park dedication in-lieu fee, park facility fee, traffic impact fee, fire facilities fee, and capital facilities fee and the purpose for which they are charged is demonstrated in the Park Dedication in-Lieu Fees and Park Facilities Fee Technical Report, Traffic Impact Fee Technical Report, Fire Facilities Technical Report, and Capital Facilities Fee Technical Report, each dated January 2008, the City Council resolutions adopting or adjusting the fees, and all reports supporting such resolutions, all of which are incorporated by reference.
- 7. The sources and amounts of funding anticipated to complete financing of future park dedication in-lieu fee, park facility fee, traffic impact fee, fire facilities fee, and capital facilities fee projects are identified in the Five-Year (2009-2014) Capital Improvement Program (CIP), adopted by the Fremont City Council on June 9, 2009.
- 8. Approximate dates of funding for park dedication in-lieu fee, park facilities fee, traffic impact fee, fire facilities fee, and capital facilities fee projects are identified in the Five-Year (2009-2014) Capital Improvement Program (CIP), adopted by the Fremont City Council on June 9, 2009.

4. **CEREMONIAL ITEMS**

4.1 Proclamation: Recognizing Vasona Management/Redwood Plaza for Receiving the 2009 GEMM Award for "Rental Property of the Year"

5. PUBLIC COMMUNICATIONS

5.1 Oral and Written Communications

REDEVELOPMENT AGENCY - The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. See separate agenda (yellow paper).

PUBLIC FINANCING AUTHORITY - None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

- **6. SCHEDULED ITEMS** None.
- 7. REPORT FROM CITY ATTORNEY
 - 7.1 Report Out from Closed Session of Any Final Action
- 8. OTHER BUSINESS
 - 8.1 CITY COUNCIL CONSIDERATION OF PROPOSED AGREEMENTS WITH VARIOUS TAXING ENTITIES WITH RESPECT TO THE FREMONT MERGED REDEVELOPMENT PROJECT AREA

City Council Consideration of a Resolution Authorizing Execution of Specified Agreements with Affected Taxing Entities in Connection with the Proposed Amended Plan for the Fremont Merged Redevelopment Project Area

Contact Person:

Name: Elisa Tierney Melissa Stevenson Dile Title: Redevelopment Director Deputy City Manager Dept.: City Manager's Office City Manager's Office

Phone: 510-494-4501 510-284-4005 E-Mail: etierney@fremont.gov mdile@fremont.gov

RECOMMENDATION: Approve resolution authorizing execution of the City Revised Agreements with Specified Taxing Entities.

8.2 Second Reading and Adoption of an Ordinance of the City of Fremont Repealing and Reenacting Fremont Municipal Code Title VIII, Chapter 2, Article 21.3, Section 8-22135.1 Regarding Commercial, Industrial and Non-Residential Condominiums

RECOMMENDATION: Adopt ordinance.

8.3 DESIGNATE THE CITY OF FREMONT AS A RECOVERY ZONE

Adopt a Resolution to Designate the City of Fremont as a "Recovery Zone" for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds

Contact Person:

Name: Lori Taylor Angela Tsui

Title: Acting Economic Development Economic Development

Director Coordinator

Dept.: Office of Economic Development Office of Economic Development

Phone: 510-284-4024 510-284-4023 E-Mail: ltaylor@fremont.gov atsui@fremont.gov

RECOMMENDATION:

- 1. Adopt a resolution to designate the entire geographic region of the City of Fremont as a Recovery Zone.
- 2. Direct staff from Economic Development and Finance to development an application process to review proposals from companies.

8.4 AQUA ADVENTURE WATERPARK SEASON REVIEW

Presentation on the First Season of Park Operations at Aqua Adventure Waterpark

Contact Person:

Name: Kim Beranek Annabell Holland

Title: Waterpark General Manager Director

Dept.: Parks & Recreation Parks & Recreation Phone: 510-494-4330 510-494-4329

E-Mail: kberanek@fremont.gov aholland@fremont.gov

RECOMMENDATION: No action is required. This item is intended to provide a first season overview to the City Council on the City of Fremont waterpark.

8.5 LOCAL HAZARD MITIGATION PLAN ABAG Multi-Jurisdictional Local Hazard Mitigation Planning

Contact Person:

Name:Maya WilliamsMelissa Stevenson DileTitle:Management AnalystDeputy City ManagerDept.:City Manager's OfficeCity Manager's Office

Phone: 510-284-4013 510-284-4005 E-Mail: mwilliams@fremont.gov mdile@fremont.gov

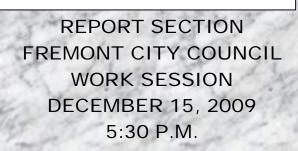
RECOMMENDATION:

- 1. Review the attached Mitigation Strategies spreadsheets for the Local Hazard Mitigation Plan 2010 developed by the Association of Bay Area Governments and City staff, and specifically review the City's additions to this plan.
- 2. Receive public comment on the City's priorities as identified in the Mitigation Strategies and direct staff to continue working with ABAG and return to Council with a final version of the plan for adoption at a future date.

9. COUNCIL COMMUNICATIONS

- 9.1 Council Referrals
 - 9.1.1 MAYOR WASSERMAN REFERRAL: Reappointments to advisory bodies.
 - 9.1.2 VICE MAYOR WIECKOWSKI REFERRAL: Develop an Ordinance for City Council Consideration Prohibiting the Use of Polystyrene Foam Disposable Food Packaging.
- 9.2 Oral Reports on Meetings and Events

10. ADJOURNMENT



2.1 MIDTOWN DISTRICT COMMUNITY PLAN AND DESIGN GUIDELINES Update on Midtown District Community Plan and Design Guidelines

Contact Person:

Name: Wayne Morris Jill Keimach Title: Senior Planner Director

Dept.: Community Development Community Development

Phone: 510-494-4729 510-494-4443

E-Mail: wmorris@fremont.gov jkeimach@fremont.gov

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Executive Summary: In September 2009 the City Council authorized the City Manager to enter into an agreement with HOK Architects for the development of the Midtown District Community Plan and Design Guidelines. The City has entered into an agreement with HOK Architects and for the past few months have been working with the Consultant Team on the Midtown Project. This report outlines the work that has been completed to date, seeks direction on various aspects of the project, and highlights the next steps.

BACKGROUND: At the March 24, 2009 City Council meeting, TMG Partners, the City's development partner for the Midtown District, made a presentation to the City Council on a vision for the Midtown District and possible next steps. In concert with City staff, TMG Partners recommended that a development plan for streetscape improvements, building forms and character, land use ranges, and design guidelines be prepared and environmentally cleared in order to set the stage for development to move quickly once the economy recovers. At the same time, the City Council approved the recommendation brought forth by City staff and TMG Partners that these planning efforts look at a larger area ("Midtown") rather than the previously defined Capitol Avenue Project.

The boundaries of this new area (see Exhibit A, Map of Midtown District) are co-terminus with the "Focus Area" outlined in the Central Business District Concept Plan adopted in 2001. The vision for the Focus Area in the Central Business District Concept Plan is to create a hub of activity by having the area "contain a mix of uses including retail, offices, entertainment, open space, and cultural arts organized around a main street. This main street, to be constructed on Capitol Avenue and an extension of it to Fremont Boulevard, will be an attractive place to shop, stroll, and dine, and will become the true center to the focus area." The Concept Plan further describes the area as anchored by new Fremont Administrative Offices and a Public Plaza as well as a new Cultural Arts Center.

The Concept Plan implements several policies of the General Plan, in particular Policy LU 2.7, which states, "Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain an active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the ground level." The Central Business District Concept Plan includes the following set of goal statements that will be addressed in more detail in the Midtown District Community Plan and Design Guidelines:

• To create a recognizable and memorable Downtown that people can take pride in and where people want to go.

- To create a Downtown comprised of a mix of land uses including mixed-use buildings, housing, offices, retail, government/civic uses, entertainment, open space/parks, and cultural arts.
- To improve streetscape design.
- To improve amenities for pedestrians, particularly in the Downtown focus area, through design approaches such as street narrowing and locating buildings at the street edge.
- To improve connections to the BART station.
- To encourage a network of public and private, strategically placed parking facilities.
- To encourage the use of energy efficiency in building technology.
- To support economic vitality, particularly for small businesses.
- To reflect history, as appropriate, and Fremont's cultural diversity in the design and development of the Downtown.

DISCUSSION/ANALYSIS: Last year, the City Council selected TMG Partners as its new development partner and in August 2008 the City entered into a Memorandum of Understanding with TMG Partners. Since that time, TMG Partners has teamed up with the City to purchase property in the subject area and have worked toward expanding the study area to include the Midtown District. In September 2009 HOK was brought on board to head a multidisciplinary consultant team to focus attention on the development of the Midtown District Community Plan and Design Guidelines. This consultant team includes BKF Engineering; the Guzzardo Partnership (landscape architect); Nelson Nygaard (parking and transportation); Chandra Cerrito (art); Ross/Luthin Creative (signage); and Lynn Simon Associates (LEED). Additionally, TMG Partners and City staff have assisted and participated in the development of proposed plan elements.

Next Steps: The current economic climate makes it virtually impossible to obtain credit or capital or to plan reliably to develop a specific project. As such, it is impractical to prepare a development pro forma, business plan or finance plan at this time. The City can, however, begin the planning process in the area to allow development to move forward quickly once the economy recovers. In particular, the Community Plan and Design Guidelines and associated environmental analysis will accomplish two critical items:

- 1. Provide certainty to the development community as to what and how much can be built (i.e., street design, building design, and building "envelope"); and
- 2. Eliminate time and expense in the development process by completing a program level Environmental Impact Report, which could save a developer up to \$250,000 in costs and a year in the entitlement schedule. Having design guidelines already established and adopted by the Council will help clarify, implement, and expedite the vision and entitlement process for future development.

Community Plan and Design Guidelines Work to Date: The past several months have been spent gathering base project documents, assessing existing conditions, and beginning the first efforts at developing the Community Plan based on the following design elements:

- Sustainability
- Land use and building typologies
- Urban design

- Transportation and parking
- Civic Art Program
- Graphics and Signage
- Civil Engineering

The final Community Plan document will be organized around the following subjects:

- Project Goals
- District Framework
- Development Blocks
- Streets & Open Space
- Utilities & Infrastructure
- Design Guidelines
- Implementation

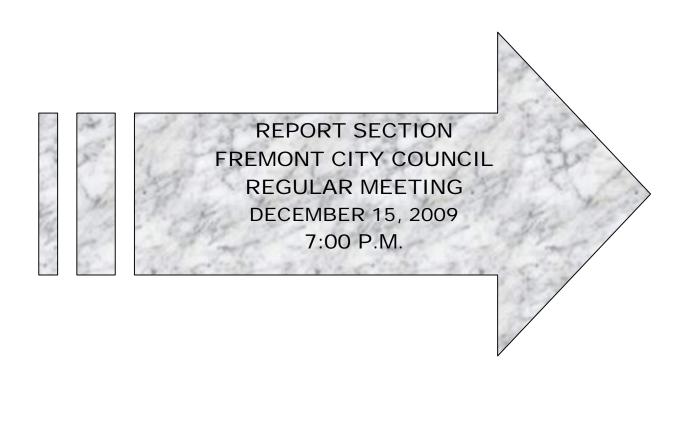
The Midtown District Community Plan and Design Guidelines will be a mixed-use, urban design plan that establishes the desired physical vision for the Midtown District through a clear and comprehensive set of policies, incentives, and requirements. The Plan will establish a coherent and consistent regulatory framework incorporating physical standards and design guidelines. It will establish land use development envelopes that can respond to changing market conditions; policies for economic development; design concepts for "green" and pedestrian-oriented streetscapes; private and public shared parking plans; short and long term transit plans; pedestrian amenities; open space and civic uses; and public art.

While the Community Plan and Design Guidelines are being completed, there will be an environmental assessment (Environmental Impact Report) performed as well. This effort will not begin until after this Work Session at which time the City Council will have the opportunity to provide direction on the overriding concepts and guide the analysis.

The City is also interested in doing a LEED-ND certification (Neighborhood Designation) on the entire Midtown District, or if that is not possible from a environmental prerequisite standpoint or market/financial cost perspective, City staff is interested in at least pursuing LEED goals as far as we can, including, but not limited to, LEED construction of all new buildings within the District.

A key direction staff heard from Council was to create the Midtown area which will be notable from a sustainable and transit-oriented perspective. To date, this direction has led to the consultant team and staff working on new and innovative solutions to stormwater retention and filtration within the street right-of-way. In addition, the project team is attempting to design streets that not only accommodate vehicular travel and emergency access, but encourage bicycle, pedestrian, and transit use. After staff receives direction from Council on some streetscape and striping ideas, these designs could be "tested" by painting and striping various alternatives on State Street and/or Capitol Avenue prior to Council's final decision. This striping test is convenient and timely since State Street has been recently repaved through the federal stimulus program and the striping plan has yet to be implemented.

ENCLOSURE: Exhibit A, Map of Midtown District **RECOMMENDATION:** Provide comments and direction to staff and the consultant team on the work done to date to be outlined more specifically at the City Council Work Session.



*3.3 Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title VIII, Chapter 2, Article 19.1 Regarding Historic Resources

ENCLOSURE: Draft Ordinance

RECOMMENDATION: Adopt ordinance.

*3.4 PROPERTY TAX EXCHANGE RELATED TO ACWD ANNEXATION Exchange of Property Tax Increment Resulting from Territory within the City of Fremont Annexed to the Alameda County Water District

Contact Person:

Name: Catherine Chevalier Harriet Commons

Title: Budget Manager Director
Dept.: Finance Finance
Phone: 510-494-4615 510-284-4010

E-Mail: cchevalier@fremont.gov hcommons@fremont.gov

Executive Summary: The City received notification on October 13, 2009, from the Alameda County Water District (ACWD) of the pending annexation for the area known as the site of the future Warm Springs Bay Area Rapid Transit (BART) Station, a 35-acre parcel of land located southwest of the intersection of South Grimmer Boulevard, Warm Springs Boulevard, and Osgood Road in Fremont.

As a consequence of Proposition 13, special districts such as ACWD are not automatically entitled to a share of property tax upon annexation of areas where services have not previously been provided. Subsequent State legislation enacted in 1981 allowed special districts to share in property tax increment increases in the annexed area, subject to negotiation with affected local agencies, in this case the City of Fremont and Alameda County. Further, the Alameda County Local Agency Formation Commission (LAFCO) process for special district annexation requires resolutions from affected agencies authorizing an exchange of property tax before annexation can be approved. On six occasions since 1981, the City of Fremont has adopted such resolutions authorizing ACWD to receive an allocated share of the annual property tax increment on newly annexed parcels equal to 90% of ACWD's normal share on other parcels in Fremont, which is one percent of the total tax paid.

Staff recommends that the City Council adopt a resolution, with terms identical to previous agreements for the same purpose, providing for the exchange of property tax revenues as a result of the area located in Fremont known as the site of the future Warm Springs BART Station. Based on current plans for the development, staff estimates that adopting a property tax sharing agreement for this annexation, with terms substantially the same as those of previous annexations, will result in a loss of little or no revenue for the City of Fremont because the property (under the ownership of BART) is exempt from property tax.

BACKGROUND: As a consequence of Proposition 13, special districts such as ACWD are not automatically entitled to a share of property tax upon annexation of areas where services have not previously been provided. State law (Revenue and Taxation Code Sections 99 and 99.01), allows special districts to share in property tax revenues derived from "incremental increases" in assessed valuation occurring after annexation, subject to negotiation with affected local agencies. "Incremental increases" are defined as those value changes caused by development, new construction or any increases in assessed value occurring after annexation. In addition, the Alameda County LAFCO process for annexation by special districts, in this case ACWD, **requires** resolutions from affected jurisdictions, in this case Alameda County and the City of Fremont, authorizing a property tax share for the special district before LAFCO takes action on annexation.

On March 31, 1981, a property tax exchange agreement was adopted by the Alameda County Board of Supervisors and subsequently adopted by the City of Fremont (Resolutions Nos. 5089, 5371, 6365, 6811, and 8304) for several prior annexations whereby ACWD receives an allocated share of the annual property tax increment in the new tax code area equal to 90% of ACWD's normal share of property tax on other parcels already within ACWD's jurisdictional boundaries. The last time the City Council took similar action was in July 2005. Since the 2005 action, all development in Fremont served by ACWD has occurred in areas covered by previous annexations and property tax sharing agreements.

The BART Warm Springs extension project broke ground in September 2009. The project will be constructed over the next several years, and is scheduled for revenue operation in 2014. As requested by the Bay Area Rapid Transit District (BART), ACWD will provide water service to the development during construction, as well as after completion. This agreement for property tax revenue sharing was approved with an explicit expectation that annexation proceedings would follow, pending negotiations with the City and the County regarding property tax sharing.

The ACWD Board of Directors adopted Resolution No. 09-062 on November 12, 2009, authorizing an exchange of property tax revenues on the same terms as those included in previous agreements, meaning ACWD would receive 90% of 1% of the property tax increment resulting from new development. The Alameda County Board of Supervisors is awaiting the City's action on the property tax sharing agreement before considering its own similar resolution.

DISCUSSION: In previous agreements accommodating ACWD annexations, the City has granted approval for ACWD to receive 90% of 1% of the property taxes resulting from incremental increases in assessed value after the annexation. For comparison, the City of Fremont receives 15%, or 15 cents of every property tax dollar that is remitted; whereas ACWD typically receives 1%, or one cent of every property tax dollar that is remitted. In this particular case, it is unlikely that there will actually be any property tax revenue collected on the subject property, as it is currently exempt from property tax. However, the County has requested that the agreement be put in place at the time of annexation so that if the tax exempt status changes at some point in the future, no new agreement will be needed.

The alternative to adopting an agreement with substantially the same terms to previous agreements for the same purpose would be to negotiate a new agreement with ACWD relating to this annexation, possibly to secure terms that would return more revenue to Fremont. However, the terms of the previous and proposed agreements are already considered favorable to Fremont, as they provide more property tax for the City on parcels subject to these agreements than parcels not subject to these agreements that were located within ACWD's jurisdictional boundaries prior to Proposition 13. Even if negotiation with ACWD resulted in terms slightly more favorable to the City, the additional financial benefit would be minimal, if any, and would likely be exceeded by the cost of the effort, since the share of the total property tax in question is negligible (if any) and there is little developable land in Fremont that could be subject to property tax sharing agreements in the future. Thus, staff recommends approving an agreement substantially similar to those approved in the past.

LAFCO is requesting this property tax sharing agreement in the event that the property is transferred to a non-exempt owner at some time in the future. To be consistent with previous agreements on ACWD annexations, it is appropriate for Council to concur in the extension of the prior agreement and in an

exchange of property tax increments as related to ACWD Annexation No. 107 (the site of the future Warm Springs BART Station).

FISCAL IMPACT: This agreement will result in a loss of little or no revenue for the City of Fremont because the property is exempt from property tax.

ENVIRONMENTAL REVIEW: None required.

ENCLOSURE: Draft resolution

RECOMMENDATION: Adopt a resolution providing for the exchange of property tax revenues equal to 90% of the share ACWD normally receives in a similar tax code area as the result of the area located in Fremont known as the site of the future Warm Springs BART Station, being annexed into the Alameda County Water District.

*3.5 CITY COUNCIL CONSENT TO HOLD JOINT PUBLIC HEARING ON PROPOSED PLAN AMENDMENT

City Council Authorization to Hold Joint Public Hearing with Agency Board on Proposed Plan Amendment

Contact:

Name:Elisa TierneyMelissa Stevenson DileTitle:Redevelopment Agency DirectorDeputy City ManagerDept.:City Manager's OfficeCity Manager's Office

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Executive Summary: At the direction of the Agency Board and the City Council, staff has prepared for

consideration of approval the proposed Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project (including Irvington, Niles, Centerville and Industrial Area) (the Amended Plan). At this time, as part of the adoption process, staff is seeking City Council authorization to hold a Joint Public Hearing with the Agency Board in February 2010 on the Amended Plan.

BACKGROUND: On December 10, 2009, the Planning Commission is scheduled to consider adopting a resolution finding the Amended Plan in conformance with the General Plan and recommending certification of the Final SEIR. On tonight's agenda, there are two items for City Council consideration. First, staff is requesting that the City Council consider and approve the various Taxing Entity Agreements (subject to subsequent adoption of the Plan Amendment). This, the second item, requests authorization to hold a joint Public Hearing with the Agency Board on the Amended Plan on February 16, 2010.

FISCAL IMPACT: It is anticipated that the Agency would receive approximately \$709.8 million if the proposed Amended Plan becomes effective, of which approximately \$143.5 million (20% of future tax increment) would be available for new affordable housing program activities, and approximately \$279.1 million (roughly 39.3% of total tax increment) would be available for new non-housing activities of the Agency (the Agency would also be required to pay to the taxing entities about 39.4% of the future tax increment, or approximately \$279.5 million).

ENVIRONMENTAL REVIEW: As noted, an SEIR has been prepared for the Amended Plan in accordance with the requirements of CEQA and will be considered for certification at a future date. Because the currently recommended actions are procedural steps toward consideration of certification of the SEIR and adoption of the Amended Plan, and will themselves not result in any approvals that could have environmental impacts, these procedural actions do not themselves require preparation or approval of any CEQA document.

ENCLOSURE: Draft Resolution

RECOMMENDATION: Adopt a resolution authorizing a joint public hearing with the Agency Board on February 16, 2010 to consider the proposed Amended Plan and the accompanying Final SEIR and Final Report to Council/State Report, including an Amended Five-Year Implementation Plan.

*3.6 AUTHORIZATION TO ACCEPT OWNERSHIP OF THE NILES TOWN PLAZA PROPERTY FROM THE REDEVELOPMENT AGENCY

Authorization for the City Manager to Execute Such Documents as Necessary to Accept the Niles Town Plaza Property from the Redevelopment Agency

Contact Person:

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Title: Project Manager Director

Dept.: Redevelopment Agency Redevelopment Agency

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Executive Summary: A companion item is on the Redevelopment Agency agenda for consideration by the Agency Board this evening. Staff requests that the City Council authorize the acceptance of the Niles Town Plaza property from the Redevelopment Agency. The Agency's conveyance of the property to the City was always anticipated as part of the project. The Plaza is currently under construction and is anticipated to be completed within the next few weeks. It is time to convey the property to the City because the City will maintain the Plaza upon completion.

BACKGROUND: In September 2001, the City Council adopted the *Niles Concept Plan*, which laid out a vision and strategy for future development in Niles. The vision for the redevelopment of the Niles district calls for the development of a town plaza in the heart of the Niles district as a principal strategy to strengthen community identity and stimulate economic revitalization. The City Council and the Redevelopment Agency Board approved the Niles Town Plaza conceptual design on July 12, 2005, with the understanding that while the Agency would fund the design and construction, the City would eventually own and operate it.

DISCUSSION/ANALYSIS: The Niles Town Plaza is located on Niles Boulevard between the intersections of H and I Streets and will become the City's first Civic Park upon adoption of the new General Plan. Completion of the Plaza marks a significant milestone in the implementation of Niles Concept Plan. The Plaza will be used for numerous public events and is expected to make a significant contribution in the economic revitalization of the Niles district.

FISCAL IMPACT: The cost of Plaza operations and maintenance is estimated to be approximately \$40,000 annually and will be paid out of the Parks and Recreation budget. The precise budget will be set through the procurement process for the external maintenance contract to be entered into by the City on behalf of the Parks and Recreation Department. There will also be a capital replacement reserve requirement of approximately \$30,000 per year in current dollars for twenty years. The Redevelopment Agency will fund startup costs for a "grow-in" period to allow for establishment of landscaping.

ENVIRONMENTAL REVIEW: The property transfer is consistent with the project descriptions of previously adopted negative declarations. The City and Agency adopted a negative declaration (City Environmental Assessment No. PLN2005-0178, dated March 16, 2007) which evaluated the physical impacts of the funding by the Agency and construction by the City of the Niles Town Plaza on the Property. There are no proposed changes to the project or change in circumstances regarding significant

environmental effects, nor has there been new information provided which was not or could not have been known regarding the project that requires subsequent CEQA review.

ENCLOSURES:

- <u>Draft Resolution of the City Council of the City of Fremont Approving Acceptance of the Niles</u>
 <u>Town Plaza Property from the Redevelopment Agency of the City of Fremont for Use and</u>
 <u>Operation of Public Facilities of Benefit to the Niles Redevelopment Project Area a Portion of the Fremont Merged Project Area</u>
- Niles Town Plaza Property Conveyance Agreement

RECOMMENDATION: Authorize the City Manager, or his designee, to take such action and execute such documents as necessary to accept conveyance of the Niles Town Plaza from the Redevelopment Agency of the City of Fremont.

*3.7 DELEGATION OF AUTHORITY TO CITY MANAGER DURING COUNCIL RECESS Delegation of Authority to City Manager during Council Recess, December 16, 2009 through January 11, 2010

Contact Person:

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City Clerk City Manager

Dept.: City Clerk City Manager
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Executive Summary: The purpose of this report is to notify the City Council of administrative matters potentially requiring action during Council recess between December 16, 2009 and January 11, 2010. The City Council is being asked to delegate authority to the City Manager or designee to approve contracts and other administrative matters required to be approved during the City Council's scheduled recess. Actions taken during Council recess will be reported out to Council on January 12, 2010.

BACKGROUND: Fremont Municipal Code Sections 2-2107(q) and 2-9202(b)(2) provide procedures by which the City Council may delegate authority to the City Manager to approve contracts and other administrative matters required to be approved during the City Council's scheduled recess. A report of actions taken will be provided to the City Council after the recess. The following items have been identified as potentially requiring action during the recess:

1. Title: City Manager Change Order Authority for Niles Town Plaza

Project

Staff Contact: Rob Kalkbrenner, Civic Facilities Division Manager, 494-4428

Name of Contracting Party: River View Construction

Budgeted Amount: This change order is required due to additional project costs related

to the testing and removal of dirt and debris that was illegally dumped on the site, the removal of additional soil after the fine grading, and ensuring the delivery of items that were delayed due to manufacturing slow downs. Total project budget is \$7,250,000.

There is no net effect on the budget by this Council action.

Recommended Action: Increase the City Manager's change order authority from 20% to

25% for the Niles Town Plaza Project, not to exceed \$100,000.

2. Title: Additional CDBG-R Funding for Family Resource Center Soffit

and Fascia Replacement

Staff Contact: Lucia Hughes, Management Analyst II, 574-2043

Name of Contracting Party: Cal-Bay Construction, Inc.

Budgeted Amount: \$41,000

Recommended Action: Authorize the City Manager or designee to (1) approve additional

funding for the Family Resource Center Soffit and Fascia

Replacement project located at 39155 Liberty Street, Fremont, in the amount of \$41,000 for unforeseen conditions discovered during

construction; (2) appropriate unallocated ARRA CDBG-R funding of \$41,000 to 194 PWC 8705; (3) direct staff to return any unused funds to Fund 194 PWC 8716 account at the closeout of the project; and (4) execute any other implementing documents.

3. Title: Joint Powers Agreement with Newark Unified School District for

Mental Health Services

Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128

Name of Contracting Party: Newark Unified School District

Budgeted Amount: \$5,094

Recommended Action: Authorize the City Manager or designee to execute a Joint Powers

Agreement with Newark Unified School District for the Youth and Family Services division of the Human Services Department to provide Healthy Choices school-site counseling services for an

amount not to exceed \$5,094.

ENCLOSURE: Draft Resolution

RECOMMENDATION: Adopt resolution authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions:

- 1. Increase the City Manager's change order authority from 20% to 25% for the Niles Town Plaza Project, not to exceed \$100,000
- 2. Authorize the City Manager or designee to (1) approve additional funding for the Family Resource Center Soffit and Fascia Replacement project located at 39155 Liberty Street, Fremont, in the amount of \$41,000 for unforeseen conditions discovered during construction; (2) appropriate unallocated ARRA CDBG-R funding of \$41,000 to 194 PWC 8705; (3) direct staff to return any unused funds to Fund 194 PWC 8716 account at the closeout of the project; and (4) execute any other implementing documents.
- 3. Authorize the City Manager or designee to execute a Joint Powers Agreement with Newark Unified School District for the Youth and Family Services division of the Human Services Department to provide Healthy Choices school-site counseling services for an amount not to exceed \$5,094.

*3.8 SFPUC BAY DIVISION PIPELINE AGREEMENT

Consideration of a Resolution Adopting Findings as a Responsible Agency Under the California Environmental Quality Act for the SFPUC Bay Division Pipeline No. 5 Project and Approval of a Memorandum of Agreement with SFPUC Covering the Construction of the Bay Division Pipeline No. 5 within City Right Of Way or Other City Property

Contact Person:

Name: Norm Hughes Kelly Diekmann Title: City Engineer Senior Planner

Dept.: Community Development Community Development

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Executive Summary: The San Francisco Public Utilities Commission (SFPUC), Hetch Hetchy Water System Improvement Program (WSIP) includes construction of seven miles of new large-diameter pipeline from Mission Boulevard in Fremont to a new Bay tunnel portal in Newark. The new pipeline project is referred to as the Bay Division Pipeline Reliability Upgrade – Pipeline, or BDPL No.5. Construction of the pipeline is scheduled to begin in spring 2010 and will include construction within and adjacent to several City streets and parks. Staff requests City Council adopt findings as a responsible agency under CEQA and requests City Council approve a Memorandum of Agreement pertaining to the construction of the pipeline within Fremont.

On July 14, 2009, the SFPUC, acting as lead agency under CEQA, approved: the 1) Water System Improvement Program, including the new pipeline, 2) certified the Final Environmental Impact Report (FEIR), and 3) adopted findings under CEQA, including a statement of overriding consideration for the new pipeline, BDPL No. 5's, significant and unavoidable impacts, 4) rejected project alternatives, and 5) adopted a mitigation monitoring and reporting program. In consideration of the Agreement between SFPUC and Fremont, the City Council, as a responsible agency under CEQA, is asked to consider the FEIR and adopt project related findings.

City and SFPUC staff have spent several months negotiating the terms and form of the Agreement. The Agreement discusses roles and responsibilities, time lines, construction standards for City facilities, and reimbursement for City costs associated with BDPL No. 5. The Agreement also includes provisions to grant an access easement to SFPUC near the Paseo Padre Grade Separation Project. In working with SFPUC, it has been City staff's goal to assure replacement of City facilities to current City standards and to cover City costs associated with construction of the new pipeline. Staff is recommending that the City Council authorize the City Manager or his designee to execute the Memorandum of Agreement and authorize the City Manager or his designee to grant, at no cost, a permanent access easement to the City and County of San Francisco for access to the pipeline near the Paseo Padre Grade Separation Project. Further, staff is recommending that the City Council authorize the City Manager or designee to approve any amendments to the Agreement so long as it does not have a negative fiscal impact on the City.

BACKGROUND: In 2002, the SFPUC launched the Hetch Hetchy Water System Improvement Program (WISP) to repair, replace, and seismically upgrade the water system to ensure water delivery to 2.5 million customers in the counties of Alameda, San Francisco, Santa Clara, and San Mateo.

Approximately twenty percent (20%) of water provided by ACWD is from the Hetch Hetchy water system. WISP includes 85 separate construction projects, 50 of which are located outside of the City of San Francisco. WISP projects within Fremont include a new Irvington tunnel, seismic and other upgrades to the existing Hetch Hetchy pipelines (BDPL Nos. 1, 2, 3, and 4), and construction of a new pipeline, BDPL No. 5 which is the subject of the proposed Agreement between the SFPUC and Fremont.

In Fremont, the BDPL No. 5 project will construct approximately four miles of 72-inch diameter, welded steel pipeline constructed between Mission Boulevard and the Mowry Avenue/I-880 interchange. BDPL No. 5 will be constructed within the existing SFPUC right-of-way, which contains BDPL Nos. 1 and 2. The majority of the pipeline right-of-way is behind single-family homes or is adjacent to schools, churches, and parks. However, the pipeline intersects eighteen City streets, which will require partial closures during pipeline construction.

In late 2006, SFPUC and City staff began communicating specifically about BDPL No. 5. In 2007 and 2008, City staff met several times with SFPUC staff to discuss issues pertaining to the pipeline construction and to discuss City staff review of the project plans and specifications. Beginning in spring 2009, City staff has spent significant time working with SFPUC staff on the Agreement and in reviewing BDPL No. 5 plans and specifications. On October 17, 2009, SFPUC awarded the BDPL No. 5 construction contract.

DISCUSSION: The BDPL No. 5 construction will impact several street intersections and parks in the City. SFPUC and City staff have cooperated in the review of the BDPL No. 5 plans and specifications, which include plans for trenching or boring in order to place the 72-inch pipeline. The plans and specifications require the SFPUC contractor to restore disturbed City facilities. Because of the size and importance of the project to SFPUC and the associated impacts to Fremont, SFPUC and City staff negotiated a Memorandum of Agreement to establish roles, responsibilities, schedules, construction standards, and costs reimbursements associated with BDPL No. 5 construction in Fremont.

The Agreement addresses the work to be performed by SFPUC and SFPUC contractors; the conditions for work on City property or right-of-way; the applicability of current City standards for reconstruction of City facilities; the conditions for the City's timely review of permit applications and inspection of street improvements; the reimbursement of City costs incurred during the review of the BDPL No. 5 plans and specifications; and the reimbursement of future inspection costs. The agreement also provides that SFPUC's contractor will indemnify and name Fremont as an additional insured, as well as, warranty the work performed in City streets and parks. It has been the goal of City and SFPUC to have this Agreement in place before construction begins.

BDPL No. 5 is aligned with existing SFPUC water transmission facilities, BDPL No. 1 and BDPL No. 2, and generally runs westward from Mission Boulevard, just south of Driscoll Road, to the Mowry/I-880 interchange, through the Mowry East Shopping Center. Mission Boulevard (State Route 238) and the Mowry/I-880 interchange are Caltrans right-of-way and SFPUC has worked with Caltrans regarding those encroachments. SFPUC has also worked with the Fremont Unified School District and neighboring businesses, churches, and residents regarding the pending BDPL No. 5 construction.

City facilities impacted by BDPL No. 5 are, from east to west:

- City Streets: Chiltern Drive, Driscoll Road, Durillo Drive, Lemos Lane, Paseo Padre Parkway, Grimmer Boulevard, Eugene Street, Fremont Boulevard, Margery Drive, Blanchard Street, Blewett Street, Davis Street, Stevenson Boulevard, Boone Drive, Sundale Drive, Blacow Road, Royal Palm Drive, and Farwell Drive.
- City Parks: Mission San Jose Community Park, Central Park, Noll Park, and Azaveda Park. Construction of pipeline is within SFPUC right of way adjacent to City parks and is undeveloped open space area.

The majority of pipeline construction will be a "cut and cover" method, where the contractor excavates a trench, installs a section of pipe, and then covers the pipe. This method will be used for the majority of street crossings. When a trench is excavated through a two-lane residential street, SFPUC's contractor will only complete half of the street width at a time, which allows for one lane to be open for traffic. Traffic control and flaggers will be needed to control traffic. When trenching is done on larger streets, SFPUC's contractor shall maintain at least one lane width in each direction.

Trenching will not be used a five street crossings because of the amount of traffic or because the streets have recently been resurfaced. A "jack and bore" method will be used for the pipeline crossings of Driscoll Road/Chiltern Drive, Fremont Boulevard/Margery Drive, Stevenson Boulevard/Davis Street, Logan Drive, and Blacow Road. Jack and bore is accomplished by excavating pits on each side of the street, placing an auger into one pit, and boring horizontally from one side to the other. As the auger proceeds, a pipe or casing is pushed into the bore hole created by the auger to prevent the hole from collapsing.

SFPUC staff will serve locally as project managers and communication consultants during the construction of BDPL No. 5. SFPUC staff has already been in contact with their neighbors, including the Fremont Unified School District, churches, businesses, and residents. Prior to and during construction SFPUC is committed to providing targeted community outreach and information by direct mail, meetings, and a project web page. A project public information office will be staffed during regular hours and a construction hotline phone number will be staffed twenty-four hours a day, seven days a week. City staff will direct inquiries to the SFPUC project coordinators and outreach staff.

FISCAL IMPACT: The Agreement between SFPUC and the City includes reimbursement of costs associated with City staff review of the BDPL No.5 plans and specifications. The Agreement also includes provisions for SFPUC to reimburse the costs associated with inspections of the reconstructed pavement sections. Reimbursement will be for actual staff costs, including costs of a City testing consultant if such a consultant is needed. The method of reimbursement is consistent with the City's fee system for larger encroachment permits and subdivision inspection. Because SFPUC is paying for the actual time staff spends inspecting the project and because SFPUC will reconstruct facilities to City standards, the BDPL No. 5 project should have no negative fiscal impact to the City

ENVIRONMENTAL REVIEW: The San Francisco Planning Commission certified the Final Environmental Impact Report (EIR) for the BDPL No.5 project on July 9, 2009. On July 14, 2009, the SFPUC approved the BDPL No. 5 Project by SFPUC Resolution No. 09-0120 and, in so doing, adopted findings under CEQA, including a statement of overriding consideration for the Project's significant and

unavoidable impacts, rejected project alternatives, and adopted a mitigation monitoring and reporting program. SFPUC Resolution No. 09-0120 including the CEQA findings and the mitigation monitoring and reporting program documents is on file in the City Clerk's office and is also attached to this report as Enclosure 1. A copy of the EIR has been available to the public at the Fremont City Library. In addition the City Clerk's office has a compact disk containing the EIR available for review and the EIR is available on the internet at:

https://infrastructure.sfwater.org/fds/fds.aspx?lib=SFPUC&doc=452615&ver=1&data=174256775

The City of Fremont acts in the CEQA-defined role of Responsible Agency in connection with approval of the Agreement. As a Responsible Agency the City of Fremont must make similar determinations and findings to those that SFPUC adopted in July. The City of Fremont scope of review and consideration of environmental effects is restricted to our jurisdiction. As detailed in Enclosure 1, Findings Section IV, there are a number of significant and unavoidable impacts from the project that would affect people within Fremont. The EIR identifies potential Aesthetic, Land Use, Noise (day and night), and Cumulative impacts relating to construction activities and construction timing and final disposition of the completed project. The project also has a number of potentially significant impacts with appropriate mitigation measures that reduce the significance and are the responsibility of SFPUC. The City has not identified additional feasible mitigation or alternatives that could be implemented with the project to reduce significant impacts. Staff recommends adopting the Findings and Statements of Overriding Consideration contained in Enclosure 1 along to satisfy the requirements of CEQA for a Responsible Agency.

ENCLOSURES:

- Draft Resolution
- SFPUC Resolution No. 09-0120, including CEQA findings, statement of overriding considerations, and mitigation monitoring and reporting program
- Informational 1 Summary of Significant and Unavoidable Impacts

RECOMMENDATION: Staff recommends the Council:

- 1. Adopt a Resolution Making Findings as a Responsible Agency Pursuant to California Environmental Quality Act for the Bay Division Pipeline Number 5 Project for which San Francisco Public Utility Commission is the Lead Agency.
- 2. Authorize the City Manager or his designee to execute a Memorandum of Agreement with the San Francisco Public Utilities Commission relating to the Bay Division Pipeline Number 5 Project as described herein; and approve amendments to the Agreement, if required, provided the amendments do not have any negative fiscal impact upon the City.
- 3. Authorize the City Manager or his designee to grant a no-cost Access Easement to the City and County of San Francisco, in accordance with the Memorandum of Agreement, for access to the SFPUC Bay Division Pipeline facilities near the Paseo Padre Parkway Grade Separation.

*3.9 SAN FRANCISCO BAY TRAIL REGIONAL DEVELOPMENT PROGRAM GRANT ACCEPTANCE

Adopt a Resolution Authorizing the City Manager to Execute an Agreement to Accept a Grant from the Association of Bay Area Governments (ABAG) Bay Trail Projects for the Fremont Bay Trail Gap Feasibility Study

Contact Person:

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Executive Summary: In April 2008, the City of Fremont was awarded a \$75,000 grant by the Association of Bay Area Governments (ABAG) under the San Francisco Bay Trail Project's competitive Regional Development Program. The grant funds are for planning and construction projects that will complete gaps in the San Francisco Bay Trail. The grant awarded to the City of Fremont is for a Bay Trail Gap Feasibility Study in southern Fremont. The feasibility study would evaluate the development of a trail from the south terminus of Fremont Boulevard (near Lakeview Boulevard) to Dixon Landing Road in the City of Milpitas along the Alameda Flood Control Channel and Coyote Creek Levee. In order to commence the project, staff recommends that the City Council adopt a resolution authorizing the City Manager or designee to execute an agreement with ABAG for the City to accept the Planning Grant, and appropriate funds in the amount of \$75,000 to 525PWC 8707 for the Fremont Bay Trail Gap Feasibility Study.

BACKGROUND: On April 28, 2008 the San Francisco Bay Trail Project and ABAG awarded the City a grant of \$75,000 for the Fremont Bay Trail Gap Feasibility Study from the San Francisco Bay Trail Project's competitive Regional Development Program. Due to the State budget crisis, the program funds were temporarily frozen in December 2008, and the program restarted again in July 2009. The grant funds are for planning and construction projects that will complete gaps in the San Francisco Bay Trail. The San Francisco Bay Trail is a 500 plus mile shared use path that will one day allow continuous travel around the Bay. The Bay Trail links the shoreline to nine counties and 47 cities.

There is an existing unpaved Bay Trail segment on the west side of I-880 that ends at the Fremont Boulevard terminus, leaving a gap of about a mile to the Milpitas city limit and existing trails in Santa Clara County. The existing gap and barrier currently results in a lengthy detour for bicyclists to complete the connection to Dixon Landing Road in Milpitas. The nearest north-south designated bikeway connection between Alameda and Santa Clara counties are the bike lanes on Warm Springs Boulevard on the east side of I-880. Accessing Warm Springs Boulevard from the terminus of Fremont Boulevard requires crossing the I-880 freeway at the Warren Avenue interchange. It has been estimated that the total on-street detour distance for a cyclist traveling south towards Dixon Landing Road from the Fremont Boulevard terminus is approximately six miles.

DISCUSSION/ANALYSIS: The Fremont Bay Trail Gap Feasibility Study will be a first step in the development of the Bay Trail south of Fremont Boulevard connecting the south Bay Trail network and Santa Clara County. The study would also position the City to pursue competitive bikeway grant funds should the City decide to move forward in the development of a trail in the future.

The City's Bicycle and Pedestrian Master Plan shows two Bay Trail alignments to Santa Clara County west of I-880 at the south terminus of Fremont Boulevard. One trail alignment would be located immediately west and parallel to the future Fremont Boulevard extension to Dixon Landing Road. This alignment would be developed in conjunction with a new private commercial development and the extension of Fremont Boulevard. The second proposed Bay Trail alignment, which this study will evaluate, begins at the current southern terminus of Fremont Boulevard and runs west along the Alameda Flood Control Channel and then runs south along the Coyote Creek Levee, connecting to Dixon Landing Road in Milpitas. This alignment is closer to the shoreline and is the preferred alignment for San Francisco Bay Trail/ABAG. The 2006 Alameda Countywide Strategic Pedestrian Plan and the County Bicycle Master Plan classify this trail segment as a high priority project and the County Pedestrian Plan considers this area as having County wide significance.

The study will evaluate the feasibility and costs to construct a trail closer to the Bay. The scope of work of the feasibility study would include but not be limited to the following:

- 1. Base map compilation
- 2. Field reconnaissance
- 3. Environmental issues assessment, including completion of a biological assessment
- 4. Hydrology issues, including flood control heights, flood control maintenance needs
- 5. Preliminary analysis of trail alignment design and pedestrian bridge crossing design
- 6. Estimates for total project cost (engineering design, clean-up, permitting, construction, maintenance, etc.)
- 7. Coordination with property owners, project stakeholders, regulatory agencies and the community
- 8. Public meeting(s) and staff meetings
- 9. Feasibility study report

The proposed Bay Trail construction project (that will be developed from the feasibility study) will provide an inter-county bicycle link, a trail about one mile long, west of the I-880 corridor, serving to complete an important gap in the San Francisco Bay Trail system.

To complete the City's acceptance of the \$75,000 grant for the Fremont Bay Trail Gap Feasibility Study, ABAG requires the City Council to adopt a resolution authorizing the execution of a Planning Grant Agreement.

FISCAL IMPACT: The grant award of \$75,000 will be applied towards the costs for a consultant to conduct the feasibility study. The grant funds will be appropriated to 525PWC8707, Bay Trail Alternative Study. In the 2009/2010 Capital Improvement Program (CIP) budget, \$35,000 of Measure B Bicycle and Pedestrian Program funds were appropriated to 509PWC8707, Bay Trail Alternative Study, to cover staff time and data collection related to the feasibility study.

ENVIRONMENTAL REVIEW: Approval and implementation of a grant funding agreement with ABAG for the Fremont Bay Trail Gap Feasibility Study is exempt from CEQA review pursuant to CEQA Guideline section 15262 as a planning or feasibility study for future actions related to the trail that the Council has not yet approved, adopted or funded.

ENCLOSURES:

- Draft Resolution
- Area Aerial Photo

RECOMMENDATION:

- 1. Adopt a resolution authorizing the City Manager or designee to execute a Planning Grant Agreement with the Association of Bay Area Governments (ABAG) for the Fremont Bay Trail Gap Feasibility Study.
- 2. Appropriate grant funds in the amount of \$75,000 to 525PWC 8707 (Bay Trail Alternative Alignment Study).

*3.10 AWARD CONSTRUCTION CONTRACT FOR THE CENTRAL PARK DOG PARK SHADE SHELTERS (PWC8431A)

Approve the Plans and Specifications and Award a Construction Contract in the Amount of \$116,629 for the Purchase and Installation of Shade Shelters and Site Furnishings at the Central Park Dog Park, City Project No. PWC 8431A

Contact Person:

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Executive Summary: This report recommends that the City Council approve the plans and specification for the Central Park Dog Park Shade Shelters, accept the bid, and award a construction contract to Ross Recreation Equipment Co., Inc., for the base bid amount of \$92,596, plus Alternate #1 for \$15,369 and Alternate #2 for \$8,664, for a total contract amount of \$116,629.

BACKGROUND AND ANALYSIS: In accordance with the agreement entered into with BART for the Warm Springs Extension, facilities within Central Park affected by this work will be removed and reconstructed by BART in new locations as a first order of work. The City is obligated to complete the synthetic turf and shade shelters in the Dog Park within 21 days after notice from BART and site acceptance by the City. Upon acceptance of the Dog Park site and installation of synthetic turf and shade shelters, BART will proceed with the undergrounding of the Warm Springs Extension.

The City will implement three separate contracts for the work at the Dog Park: 1) synthetic turf installation; 2) shade structures, benches and trash receptacles, the subject of this report; and 3) parking lot planting, scheduled for construction in early 2010. The items within this contract include three (3) shade structures, twelve (12) benches, and four (4) trash receptacles.

The structure type is the 12' x 24' Mingus Structure, with a standing seam metal roof, manufactured by Classic Recreations Systems, Inc. It is an "off-the-shelf," ready to order product that does not require customization. As part of their contract work, BART will be installing the structural footings for this specific structure, and the City contractor will purchase and install the structures from Classic Recreations Systems, Inc. The benches and trash receptacles will be purchased from DuMor, Inc. and installed by the City contractor.

Synthetic turf, which is also being installed at the Central Park Dog Park, is being handled in a separate contract with Field of Greens Grass Solutions. This contract was awarded by City Council on September 22, 2009. The synthetic turf will be installed prior to the shade structures, benches and trash receptacles being installed.

DISCUSSION: Bid Results: The City received two (2) bids on October 29, 2009, for the purchase and installation of the Central Park Dog Park Shade Shelters. The lowest base bid, by Ross Recreation

Equipment Co., Inc., was \$92,596, and is within the project construction budget, approximately 2.5% below the City estimate. The other bid, submitted by Bjork Construction Company, Inc., was \$127,983.

BIDDER	TOTAL BASE BID	RANK	<u>Alt #1</u>	<u>Alt #2</u>
Ross Recreation Equipment Co., Inc.	\$92,596.00	1	\$15,369.00	\$8,664.00
Bjork Construction	\$127,983.00	2	\$16,296.00	\$9,184.00

The low monetary bidder for the project, Ross Recreation Equipment Co., Inc., is a responsible bidder experienced in this type of work, and all bid documents are in order. The low bidder was chosen by evaluation of base bid only, without consideration of the alternate items, as is stated in the Instruction to Bidders.

Funding for this project was allocated from Park Development Funds in the 2009/10-2013/14 City Capital Improvement Plan. There are sufficient project funds in 182 PWC 8431 for approval of the base bid project and alternates 1 and 3.

Project Budget and Funding (rounded to the nearest dollar):

1.	Tota	l funds appropriated to this project:	
	182	Parks Dedication Fund	\$844,000
	533	Parks Capital Facility Impact Fund	\$36,000
	540	Parks Capital Facility Impact After 7/95	\$16,000
		Total Appropriations	\$896,000
2.	Proje	ect costs, expenditures, and encumbrances:	
	a.	Project Administration, Engineering & Design for Original Dog Park	
		(Charges prior to 9/2002)	\$47,789
	b.	Original Dog Park Construction (2001)	\$82,765
	c.	Project Administration, Engineering & Design for Current BART	
		Coordination and Dog Park Relocation	\$68,879
		Subtotals:	\$199,433
	d.	Previous Contract Encumbrance (Synthetic Turf Installation)	\$400,000
	e. Construction Base Bid and Alternates Recommended by Staff		
		Base Bid \$92,596	
		Alternate #1 \$15,369	
		Alternate #3 \$8,664	
	f.	Construction Inspection / Project Management	\$42,500
	g.	Total Project Cost to Date: (rounded to the nearest dollar)	\$758,562
3.	Estir	nated remaining funds at completion of project	\$137,438

A separate contract, related to the BART agreement, for irrigation, planting, lighting, and miscellaneous items, is pending bid advertisement after the new year. There is adequate funding in the project budget for this project.

ENVIRONMENTAL REVIEW: The proposed improvements to the Dog Park are exempt from the California Environmental Quality Act (CEQA) per guideline 15304 as a minor improvement of land.

ENCLOSURE: None

RECOMMENDATION:

- 1. Approve the Plans and Specifications for the Central Park Dog Park Shade Shelters, City Project No. PWC 8431A (Fund 182-PWC8431A-6106).
- 2. Award a construction contract to Ross Recreation Equipment Co., Inc., for the base bid amount of \$92,596, plus Alternate #1 for \$15,369 and Alternate #2 for \$8,664, for a total contract amount of \$116,629, and authorize the City Manager or his designee to execute the contract.

*3.11 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2008/09 Consideration of the Development Impact Fee Annual Report for Fiscal Year 2008/09 and Findings Required by the Mitigation Fee Act

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Executive Summary: The California Government Code establishes an annual reporting requirement for the collection and use of development impact fees. Staff recommends that the City Council approve Fremont's Development Impact Fee Annual Report for Fiscal Year 2008/09 ("Annual Report") and make findings required by the Mitigation Fee Act by resolution. Staff is also providing a brief update on the local economic stimulus measures established earlier in the year by Council approval.

BACKGROUND: The Mitigation Fee Act (California Government Code Sections 66000, et seq.) establishes requirements for annual reporting of receipt and expenditure of development impact fees. The annual report must include the following:

- 1. A brief description of the type of fee in the account;
- 2. The amount of the fee;
- 3. The beginning and ending balance of the account for the fiscal year;
- 4. The amount of fees collected;
- 5. The interest earned;
- 6. Identification of each public improvement for which fees from the account were expended, the amount of expenditures on each improvement and an identification of the percentage of the cost of the improvement that is being funded with impact fees;
- 7. Identification of an approximate date by which construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete;
- 8. Description of each inter-fund transfer or loan made from the account, including the public improvement for which the transferred or loaned fees will be expended;
- 9. Findings, if fees remain unexpended five years after collected; and
- 10. The amount of any refunds made pursuant to statute.

The overview and body of the Annual Report address these reporting requirements. As noted in the overview section of the report, it is not possible to precisely identify the anticipated date of construction of public improvements (requirement seven). Fremont does not collect development impact fees for specific projects, but rather collects fees through build-out for a number of identified projects. However, the City's Capital Improvement Program identifies the approximate dates of commencement of construction.

With respect to requirement nine, findings are required this year. Government Code Section 66001(d) requires findings with respect to unexpended impact fees every five years following the first deposit into the fee account. Generally, the findings reference the City's Five-Year (2009-2014) Capital Improvement Plan (CIP) adopted by the City Council on June 9, 2009. This plan provides detail regarding the sources, amounts, and approximate dates of funding anticipated to complete financing of future park dedication in-lieu fee, park facilities fee, traffic impact fee, fire facilities fee, and capital facilities fee projects. The City of Fremont's practice is not to earmark the development impact fees it collects from any specific development for any specific project, but rather to apply the fees toward the completion of a multi-project capital improvement program with various timelines. The Annual Report and the attached resolution more particularly identify the findings.

DISCUSSION/ANALYSIS:

Update On Local Stimulus Measures

In recognition of the nationwide recession, the City Council approved multiple measures within the past year designed to stimulate the local economy and ease the burden of impact fees upon the development community. Temporary fee reductions were approved by the City Council on April 7, 2009, and are scheduled to remain in place until December 31, 2011. Project impact fees have been reduced by 10% citywide, and by 25% with in the Central Business District (CBD). On July 7, 2009, the City Council also established a deferral program to allow impact fees for all types of development projects to be collected after permit issuance but prior to occupancy (up to eighteen months after permit issuance).

Since the introduction of these measures through November 10, 2009, 80 permits have been issued under a deferral agreement, resulting in the deferral of \$3,950,163 in impact fees. While this fee total appears to represent a higher level of development activity over similar periods in the previous year, permits issued for particularly large developments can skew the total, and it is too early in the life of the reduction and deferral programs to fully determine the impact of the local stimulus efforts on development activity. Staff will return to the Council with further analysis of the stimulus programs as they mature and as trends can be more easily discerned. Staff will also conduct a comprehensive impact fee analysis and recalculate the fees before this local stimulus program expires on December 31, 2011.

FISCAL IMPACT: The Impact Fee Annual Report is an informational report, so there is no fiscal impact. The fiscal impacts of the fee reduction and deferral programs are not known at this time.

ENVIRONMENTAL REVIEW: N/A

NOTIFICATION: Staff mailed notice of the City Council's review of the Development Impact Fee Annual Report and its availability to the public on December 2, 2009 to interested parties. Copies of the Annual Report were also made available to the public in the City Clerk's Office on December 2, 2009, and public notices were published on December 2 and December 9, 2009.

ENCLOSURES:

- Draft Resolution
- Development Impact Fee Annual Report for Fiscal Year 2008/2009

RECOMMENDATION: Adopt a resolution to approve the Development Impact Fee Annual Report for Fiscal Year 2008/09, and to make the findings required by the Mitigation Fee Act, as follows:

- 1. The purpose of the park dedication in-lieu fees is for all new residential development to pay for new development's share of the cost of acquiring land for parks in Fremont.
- 2. The purpose of the park facilities fees is to fund new development's share of the development of new recreational facilities in Fremont.
- 3. The purpose of the traffic impact fees is to fund new development's share of the development of new traffic improvements in Fremont.
- 4. The purpose of the fire facilities fees is to fund new development's share of the development of new fire facilities in Fremont.
- 5. The purpose of the capital facilities fees is to fund new development's share of the development of new capital facilities in Fremont.
- 6. The reasonable relationship between the park dedication in-lieu fee, park facility fee, traffic impact fee, fire facilities fee, and capital facilities fee and the purpose for which they are charged is demonstrated in the *Park Dedication in-Lieu Fees and Park Facilities Fee Technical Report, Traffic Impact Fee Technical Report, Fire Facilities Technical Report, and Capital Facilities Fee Technical Report,* each dated January 2008, the City Council resolutions adopting or adjusting the fees, and all reports supporting such resolutions, all of which are incorporated by reference.
- 7. The sources and amounts of funding anticipated to complete financing of future park dedication in-lieu fee, park facility fee, traffic impact fee, fire facilities fee, and capital facilities fee projects are identified in the *Five-Year* (2009-2014) Capital Improvement *Program* (CIP), adopted by the Fremont City Council on June 9, 2009.
- 8. Approximate dates of funding for park dedication in-lieu fee, park facilities fee, traffic impact fee, fire facilities fee, and capital facilities fee projects are identified in the *Five-Year* (2009-2014) Capital Improvement Program (CIP), adopted by the Fremont City Council on June 9, 2009.

7.1 Report Out from Closed Session of Any Final Action

8.1 CITY COUNCIL CONSIDERATION OF PROPOSED AGREEMENTS WITH VARIOUS TAXING ENTITIES WITH RESPECT TO THE FREMONT MERGED REDEVELOPMENT PROJECT AREA

City Council Consideration of a Resolution Authorizing Execution of Specified Agreements with Affected Taxing Entities in Connection with the Proposed Amended Plan for the Fremont Merged Redevelopment Project Area

Contact Person:

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Note: A companion item appears on the December 8, 2009 Redevelopment Agency agenda.

Executive Summary: As part of the process to prepare the proposed Consolidated Amended and Restated Redevelopment Plan (the "Amended Plan") for the Fremont Merged Redevelopment Project (Including Irvington, Niles, Centerville and Industrial Area) (the "Merged Project Area"), the Agency has consulted with the affected taxing entities (the local governments receiving property taxes from the Merged Project Area) regarding appropriate conforming updates to agreements the Agency entered into with the various taxing entities in connection with the 1993 and 1998 amendments of the redevelopment plans for various subareas of the Merged Project Area (the "Prior Agreements"). Through the Amended Plan consultations, staff and the affected taxing entities have negotiated a series of revisions to the Prior Agreements (the "Revised Agreements", as further described in this report). The City of Fremont has been a limited party to two of the Prior Agreements, the General Governments Agreement and the East Bay Regional Parks District Programmatic Agreement (as defined below, and referred to as the "City Prior Agreements"). The City of Fremont has fulfilled all its obligations under the City Prior Agreements. Simultaneously with Agency execution of all the Revised Agreements, it is recommended that the City also execute the revised versions of the two City Prior Agreements (the "City Revised Agreements"), which will have the effect of confirming that the City has no future ongoing obligations with respect to these City Revised Agreements..

By their terms, the financial and operative provisions of the Revised Agreements will become effective only if the City Council subsequently adopts the Amended Plan. Nothing in the Revised Agreements or the approval resolution before the City Council in any way affects the discretion of the City Council in determining whether to subsequently adopt the Amended Plan. If the Amended Plan is adopted, the Revised Agreements will facilitate the Agency's implementation of the Amended Plan. Approval of the Revised Agreements at this time will provide the affected taxing entities with certainty about the financial implementation of the Amended Plan should the City Council determine to adopt the Amended Plan in its policy discretion.

BACKGROUND: The staff report for the companion Amended Plan resolution on tonight's Agency Board agenda provides detailed background information about the preparation of the proposed Amended Plan. This section provides additional background information about the Prior Agreements, the proposed

Revised Agreements, including the two City Revised Agreements and the financial relationship between the Agency and the affected taxing entities with respect to the Merged Project Area.

In connection with the 1993 amendment of the redevelopment plan for the Industrial Area portion of the Merged Project Area, the Agency entered into a series of Prior Agreements, as then authorized by the California Community Redevelopment Law (the "CRL"), with all of the affected taxing entities regarding the sharing of tax increment revenue generated from the Industrial Area. Pursuant to these tax increment sharing Prior Agreements, the Agency agreed to pay (or "pass through") a portion of the tax increment it receives from the Industrial Area to each affected taxing entity. Separate tax increment sharing Prior Agreements were entered into with the Fremont Unified School District ("FUSD"), the Ohlone Community College District ("Ohlone"), and the County Superintendent of Schools (the "Superintendent"). A fourth tax increment sharing Prior Agreement (the "General Governments Agreement") was entered into with all of the non-education district taxing entities (the "General Governments"), including among others, the County of Alameda (the "County"), the Alameda County Water District ("ACWD") and the East Bay Regional Park District ("EBRPD").

In addition to the pass-through payments of a portion of the Industrial Area tax increment revenues pursuant to these Prior Agreements, the Agency also makes "statutory" pass-through payments to each affected taxing entity of a portion of the tax increment it receives from the Irvington, Niles and Centerville portions of the Merged Project Area. These statutory pass-through payments with respect to Irvington, Niles and Centerville are made pursuant to a statutory formula contained in the CRL, rather than pursuant to individual agreements as is the case with the tax increment sharing Prior Agreements with respect to the Industrial Area described above. The Agency's statutory pass-through payments for the Irvington, Niles and Centerville portions of the Merged Project Area are not affected by the proposed Amended Plan or the Revised Agreements that are the subject of this report.

In connection with the 1998 redevelopment plan amendments to merge the Industrial Area with the Irvington, Niles, and Centerville project areas to form the current Merged Project Area, the Agency entered into certain modifications of the Prior Agreements to authorize expenditure of tax increment revenues from the Industrial Area in the other portions of the Merged Project Area. At that time, the Agency also entered into two programmatic Prior Agreements with ACWD and a programmatic Prior Agreement with EBRPD.

The programmatic Prior Agreements with ACWD address Agency payment obligations for relocation of certain ACWD water facilities that may be necessitated by Agency-funded redevelopment activities (the "ACWD Water Facilities Relocation Agreement"), and Agency funding of certain hazardous materials remediation actions that would facilitate redevelopment of the Merged Project Area and simultaneously protect ACWD groundwater sources (the "ACWD Hazardous Materials Remediation Agreement") in the amount of \$500,000 (the "Remediation Account").

The programmatic Prior Agreement with EPRPD provided for certain Agency-funded public improvements at the EBRPD Quarry Lakes Regional Park and for EBRPD to undertake certain promotional and marketing services to direct park patrons to the commercial district in the Niles portion of the Merged Project Area as part of the economic development and community revitalization program for Niles.

All of the Prior Agreements were entered into under the authority of the CRL to mitigate the financial burden of Fremont's redevelopment program on the affected taxing entities and to further the redevelopment program itself.

DISCUSSION/ANALYSIS: In connection with the preparation of the Amended Plan and in furtherance of the requirements of the CRL, the Agency has consulted with each of the affected taxing entities that receives a portion of property taxes from the Merged Project Area. The Agency and the affected taxing entities have determined that certain updates to the Prior Agreements would be appropriate to facilitate implementation of the Amended Plan and to continue to mitigate the financial burden of the Fremont redevelopment program on the affected taxing entities as authorized by the CRL. These updates to the Prior Agreements are incorporated in a series of Revised Agreements that are on file with the City Clerk/Agency Secretary and are the topic of consideration for approval by the Agency Board this evening. The Revised Agreements include the following:

General Governments Agreement: The proposed revised General Governments Agreement expressly authorizes the Agency to expend tax increment from the Industrial Area for the redevelopment program in the Merged Project Area in an amount up to the increased tax increment cap for the Industrial Area contained in the Amended Plan, should the City Council subsequently adopt the Amended Plan. The proposed revised General Governments Agreement also corrects an anomaly in the pass-through payment formula for those taxing entities, such as the County and ACWD, that are required to make payments to the Educational Revenue Augmentation Fund ("ERAF"). The County Auditor-Controller's office, which is responsible for implementing the ERAF payment formulas in Alameda County, recently informed the Agency and the General Government affected taxing entities that this correction is necessary to achieve the same level of pass-through payments as was initially intended by the parties when the General Governments Agreement was negotiated in 1992, prior to the State's imposition of the ERAF requirement.

FUSD Agreement: The Agency has now made all payments owed under the FUSD Prior Agreement. Consequently, the proposed FUSD Revised Agreement terminates the Prior Agreement, which in turn makes FUSD eligible under the current CRL to begin to receive statutory pass-through payments with respect to future tax increment received by the Agency from the Industrial Area portion of the Merged Project Area as a result of the Amended Plan.

Ohlone Agreement and Superintendent Agreement: The proposed revised Prior Agreements with Ohlone and the Superintendent affirm that, should the City Council adopt the Amended Plan, those education entities will continue to receive pass-through payments from the Agency with respect to tax increment from the Industrial Area pursuant to the same formula that is currently in effect.

ACWD Programmatic Agreements: Based upon a decade of experience in administering the ACWD programmatic Prior Agreements, the Agency and ACWD desire to enter into a revised ACWD Water Facilities Relocation Agreement and a revised ACWD Hazardous Materials Remediation Agreement to update certain procedures and standards while maintaining the same basic purpose and approach for these agreements. For instance, the proposed revised ACWD Water Facilities Relocation Agreement would improve the early communication and coordination process between the Agency and ACWD for Agency-facilitated redevelopment activities requiring relocation of ACWD facilities, and would clarify the timing and method for Agency payment of the Agency's share of such relocation

costs, but would not change the basic formula for the Agency's share of such costs. The proposed revised ACWD Hazardous Materials Remediation Agreement would likewise enhance early communications between the parties. It would also update the list of potential Agency-assisted hazardous materials remediation sites that would benefit ACWD's water quality efforts, and provides for the Agency to replenish the Remediation Account established under the 1999 Prior Agreement by the amount that is expended from the Remediation Account for hazardous materials remediation of the City Fire Station No. 2 site (not to exceed \$175,000), if the Amended Plan is adopted and becomes effective.

EBRPD Programmatic Agreements: Based on the successful experience with the EBRPD 1999 Prior Agreement, the Agency and EBRPD propose to enter into two successor Revised Agreements at this time. The first EBRPD Revised Agreement (the "Future EBRPD Improvements Agreement") would establish a procedure for the parties to identify future regional park improvements of direct benefit to economic development and community revitalization efforts of the Agency in the Merged Project Area ("Future Mutual Benefit Improvements") and for the Agency to fund such identified Future Mutual Benefit Improvements in an amount not to exceed \$5,125,000 in current dollar value terms, subject to the Agency and EBRPD first complying with all CRL and California Environmental Quality Act ("CEQA") requirements for such Future Mutual Benefit Improvements. The second proposed Revised Agreement with EBRPD (the "EBRPD Promotional Services Agreement") would enhance and expand the program of promotional services and marketing efforts that EBRPD performs to encourage park visitors to visit and use business and community services in the Merged Project Area. If the Amended Plan is adopted and becomes effective, the proposed EBRPD Promotional Services Agreement would expand the EBRPD efforts from Quarry Lakes Park and Niles area promotional and marketing efforts under the 1999 Prior Agreement, to encompass all five EBRPD facilities in Fremont and businesses and community services in all four subareas of the Merged Project Area.

As previously mentioned, the City of Fremont has played a limited role in the two City Prior Agreements: the General Governments Agreement and the East Bay Regional Parks District Prior Agreement. Having fulfilled all commitments under the two City Prior Agreements, the City of Fremont executes the City Revised Agreements simply to confirm that it is relieved of all continuing obligations.

FISCAL IMPACT: The following fiscal impact analysis is based on the draft Report To City Council that is currently being finalized for distribution to the Agency Board and City Council in mid-December in preparation for the joint public hearing on the Amended Plan in early 2010. Dollar amounts cited in this analysis are stated in current 2009 buying power terms. The actual dollar amounts in future dollars received and expended will be greater, but stating all amounts in current value terms gives the best snapshot of the fiscal impacts of the Amended Plan and the proposed Revised Agreements with the taxing entities (together with the statutory pass-through payments from the Agency to the taxing entities). Also, the dollar amounts cited below reflect the amounts that would be receivable and expended by the Agency under the Amended Plan once the current cap on tax increment receipt of \$400 million from the Industrial Area is reached in approximately three years.

Under the Amended Plan once the increased Industrial Area tax increment cap takes effect, the Agency is estimated to receive approximately \$709.8 million of current buying power tax increment revenue. Of this total, approximately \$279.5 million (about 39.4% of the future tax increment) would be paid to the affected taxing entities under the tax increment sharing Revised Agreements related to the Industrial

Area described in this report, and under the statutory pass-through payments required by the CRL for the Irvington, Niles and Centerville portions of the Merged Project Area.

Making these payments to the taxing entities in compliance with the Agency's CRL obligations would, in turn, make available to the Agency under the Amended Plan:

- approximately \$143.5 million (20% of future tax increment) for new affordable housing program activities,
- approximately \$7.6 million (roughly 1% of future tax increment) to complete debt service payments on existing Agency bonds, and
- approximately \$279.1 million (roughly 39.3% of total tax increment) for new non-housing activities of the Agency throughout the Merged Project Area (including Agency administrative costs).

Of this \$279.1 million estimated amount for new non-housing activities, approximately \$8 million would fund costs of the EBRPD Revised Agreements and approximately \$175,000 would replenish the Remediation Account under the revised ACWD Hazardous Materials Remediation Agreement. Any dollar amounts allocable to ACWD water facilities relocation costs under the revised ACWD Water Facilities Relocation Agreement would depend on the currently unknown circumstances of any water facilities relocation needs arising from future Agency-assisted activities.

In short, while the future payments to the affected taxing entities under the Revised Agreements to mitigate the financial burden of the Amended Plan on those entities would be significant, the resources made available to the Agency under the Amended Plan to complete the redevelopment program in the Merged Project Area would also be very substantial.

By executing the two City Revised Agreements, the City will confirm and the applicable affected taxing entities will acknowledge that the City has no ongoing financial obligations under those City Revised Agreements.

ENVIRONMENTAL REVIEW: The four tax increment sharing Revised Agreements (with the General Governments, FUSD, Ohlone and the Superintendent) address funds transfers of the Agency but do not commit any party to particular expenditures or physical activities. As such, these Revised Agreements constitute governmental funding mechanisms or other governmental fiscal activities that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. As a result, approval of these Revised Agreements does not constitute a project for purposes of CEQA, with particular reference to 14 California Code of Regulations Section 15378(b)(4) (a portion of the State CEQA Guidelines).

The Revised Agreements consisting of the EBRPD Future Public Improvements Agreement, the revised ACWD Water Facilities Relocation Agreement, and the revised ACWD Hazardous Materials Remediation Agreement do not specify particular physical activities to be funded by the Agency and performed by the taxing entities, but instead require full CEQA compliance once particular improvement activities are identified and designed and prior to funding and any physical development activities. Consequently, CEQA documentation for these Revised Agreements would be premature and will be undertaken once specific projects are identified under the procedural terms of those agreements.

The EBRPD Promotional Services Agreement will not involve significant physical improvements and is thereby exempt from the requirements of CEQA, with particular reference to 14 California Code of Regulations Section 15061(b)(3) (a portion of the State CEQA Guidelines).

ENCLOSURE: Draft Resolution

RECOMMENDATION: Approve resolution authorizing execution of the City Revised Agreements with Specified Taxing Entities.

8.2 Second Reading and Adoption of an Ordinance of the City of Fremont Repealing and Reenacting Fremont Municipal Code Title VIII, Chapter 2, Article 21.3, Section 8-22135.1 Regarding Commercial, Industrial and Non-Residential Condominiums

ENCLOSURE:

- Draft Ordinance
- Memorandum from City Attorney

RECOMMENDATION: Adopt ordinance.

8.3 DESIGNATE THE CITY OF FREMONT AS A RECOVERY ZONE

Adopt a Resolution to Designate the City of Fremont as a "Recovery Zone" for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds

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Executive Summary: As part of the American Recovery and Reinvestment Act of 2009 ("ARRA") the City of Fremont received allocations of \$2,970,000 in Recovery Zone Economic Development Bonds and \$4,456,000 in Recovery Zone Facility Bonds for areas that the City designates as "Recovery Zones." In order for the City of Fremont to be eligible to use its allocations, the City must declare a Recovery Zone by formal resolution. Due to the citywide impact of the national recession on unemployment rates, declining sales tax revenue, high percentage of commercial building vacancies, rising home foreclosures, and the resulting overall distress to the local economy, the entire geographic region of the City of Fremont can be designated as a Recovery Zone, thus allowing the City to take full advantage of the Recovery Zone Bond opportunities.

BACKGROUND: On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA), which created several financing tools that could aid in economic revitalization of California counties and cities. One of the tools identified was Recovery Zone Bonds. These bonds are targeted at stimulating economic recovery in areas designated as "Recovery Zones." A Recovery Zone is defined as (i) any area designated by a qualifying county or large city as having significant poverty, unemployment, home foreclosure rates, or general distress; (ii) any area distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; or (iii) any area for which a designation as an empowerment zone or renewal community is in effect. Bonds must be issued by December 31, 2010 and the proceeds expended within 36 months of issuance.

There are two types of Recovery Zone Bonds associated with ARRA:

- Recovery Zone Economic Development Bonds (RZEDBs) are taxable government bonds to be
 issued for promoting development or other economic activity by government, including capital
 expenditures paid or incurred in connection with property, public infrastructure, construction of
 public facilities, job training, and educational facilities. The federal government will reimburse
 local government issuers 45% of interest paid. The City of Fremont's allocation of Recovery
 Zone Economic Development Bonds is \$2,970,000.
- Recovery Zone Facility Bonds (RZFBs) are tax-exempt private activity bonds issued to qualifying businesses including retail centers, hotels, office buildings, research parks, manufacturing plants, and industrial buildings. The City of Fremont's allocation of Recovery Zone Facility Bonds is \$4,456,000.

As noted above, the City of Fremont has received allocations of \$2,970,000 in RZEDBs and \$4,456,000 in RZFBs for areas that the City designates as "Recovery Zones." In order for the City of Fremont to be eligible to use its allocation, the City must declare a Recovery Zone by formal resolution. Due to the citywide impact of the national recession on unemployment rates, declining sales tax revenue, commercial building vacancies, rising home foreclosures, and the resulting overall distress to the local economy, the entire geographic region of the City of Fremont can be designated as a Recovery Zone, thus allowing the City to take full advantage of the Recovery Zone Bond opportunities. Similarly, other cities such as Riverside, West Covina, and Hayward have already declared their entire regions as Recovery Zones to allow for the most flexibility to apply the future bond proceeds. Other cities are in the process of doing the same.

DISCUSSION/ANALYSIS: As an integral part of Silicon Valley, Fremont has been profoundly affected by both the burst in the dot-com bubble at the beginning of the decade and the current recession.

After holding steady through most of 2008, Silicon Valley had a substantial spike in unemployment towards the end of the year, with continued increases in unemployment throughout 2009. Unemployment continues to rise from previous years as more high-tech and conventional manufacturing companies lay off workers. At the same time, demand for commercial real estate continues to wane, while home foreclosures in the region rose 186 % year over year, far more than the rate for California as a whole.

Approximately 24% of the City's funding comes from sales and use taxes. Retail sales have struggled since the burst of the dot-com bubble and have dramatically declined during the current recession. Fremont's situation is exacerbated by the California State budget deficit and continued takeaways from the City's redevelopment agency budget, which funds capital projects and programs for local independent businesses and neighborhoods.

In addition, the New United Motor Manufacturing Inc. (NUMMI) automotive manufacturing plant has announced its closure in March 2010. NUMMI is the largest employer in Fremont and one of the largest in Alameda County. This plant closure will result in the total loss of 4,700 permanent high-paying jobs, the loss of significant sales and use tax to the City, and will likely cause other local business that rely on NUMMI as a customer to close, as well.

Fremont continues to struggle with an overwhelming amount of commercial industrial inventory. Since the fourth quarter of 2008, there has been a steady increase in the amount of vacant commercial space on the market. Currently Fremont has a 24.3% vacancy rate for R&D facilities. Over 1.6 million square feet of industrial space has been vacant for three years. With the anticipated closure of NUMMI, an additional 5 million square feet of vacant manufacturing space will become available in Fremont.

All of the above mentioned factors clearly demonstrate Fremont's citywide distress and need to designate the entire geographic region of the City of Fremont as a Recovery Zone.

FISCAL IMPACT: There is no fiscal impact to the General Fund as a result of designating the City of Fremont as a Recovery Zone. However, successful issuance of these bonds could augment some of the Redevelopment Agency's commitments for infrastructure improvements, could be tied to other types of

debt (e.g., COPs), as well as applied to private sector investments that are related to various redevelopment projects or any project based on the criteria above. These bond proceeds can be leveraged against other financial resources, substituted for them, or added on to other investment tools.

There is no economic impact currently as a result of designating the City of Fremont as a Recovery Zone. However, should the City become a Recovery Zone and subsequent bonds are issued, the proceeds can be leveraged with private investment, which would have a positive economic impact. Having the City of Fremont as a Recovery Zone allows the City to be eligible for its current bond allocation and possibly future ones. The potential bond proceeds could be used as another financing tool to stimulate development in coordination with the current resources available. Likewise, other Bay Area cities, such as Berkeley and Oakland, as well as Alameda County, have also received an allocation and are preparing to take similar action. As indicated, the overall goal of ARRA and specifically the Recovery Bonds is to promote development or other economic activity. These tools can be useful in accomplishing that objective.

ENVIRONMENTAL REVIEW: Exempt

ENCLOSURE:

- Draft Resolution
- Exhibit A

RECOMMENDATION:

- 1. Adopt a resolution to designate the entire geographic region of the City of Fremont as a Recovery Zone.
- 2. Direct staff from Economic Development and Finance to development an application process to review proposals from companies.

8.4 AQUA ADVENTURE WATERPARK SEASON REVIEW Presentation on the First Season of Park Operations at Aqua Adventure Waterpark

Contact Person:

Name: Kim Beranek Annabell Holland

Title: Waterpark General Manager Director

Dept.: Parks & Recreation Parks & Recreation Phone: 510-494-4330 510-494-4329

E-Mail: kberanek@fremont.gov aholland@fremont.gov

Executive Summary: This item is before the City Council to provide an update on the first season of the Fremont Bank Aqua Adventure Waterpark. The presentation includes general operating information and concludes with a summary of the lessons learned and anticipated changes for 2010.

BACKGROUND: The Aqua Adventure Waterpark project was completed in May 2009, and on May 16, 2009, Aqua Adventure held its grand opening and ribbon cutting. The park opened to the public on May 23, 2009. The park operated daily throughout out the summer and was open for weekend operations in June and September. During the 96 days of operation, over 70,000 visitors passed through the gates.

DISCUSSION/ANALYSIS: The opening of the Aqua Adventure Waterpark was a success! It covered 100% of its operating costs through entrance fees and sales. No General Fund money was used to subsidize the park.

Staff will be providing the City Council with a presentation of the 2009 season. Listed below are just a few of the highlights staff will be discussing.

- Season passes sold out within two weeks of opening.
- Provided jobs to 100 youth in the community.
- Taught 1,200 children how to swim.
- Awarded over \$6,000 in scholarship tickets to low income families.
- Accommodated over 5,000 birthday guests, 18 corporate picnics, and four Family Fun Nights.
- Covered 100% of operating costs via fees and sales

Staff is currently planning for the 2010 season, and will share lessons learned from 2009 and changes for 2010, to ensure the continued success of the Fremont Bank Aqua Adventure Waterpark.

FISCAL IMPACT: None.

ENVIRONMENTAL REVIEW: None.

ENCLOSURE: None.

RECOMMENDATION: No action is required. This item is intended to provide a first season overview to the City Council on the City of Fremont waterpark.

8.5 LOCAL HAZARD MITIGATION PLAN ABAG Multi-Jurisdictional Local Hazard Mitigation Planning

seeking public comment on the strategy priorities, as required by ABAG.

Contact Person:

Name:Maya WilliamsMelissa Stevenson DileTitle:Management AnalystDeputy City ManagerDept.:City Manager's OfficeCity Manager's Office

Phone: 510-284-4013 510-284-4005

E-Mail: mwilliams@fremont.gov mdile@fremont.gov

Executive Summary: The Association of Bay Area Governments (ABAG) received funds from FEMA to serve as the lead agency in the creation of a Multi-Jurisdictional Hazard Mitigation Plan (LHMP) for the nine-county Bay Area. With participation from the City of Fremont and other local agencies, ABAG created an umbrella Hazard Mitigation Plan entitled, "Taming Natural Disasters." The plan is meant to help government mitigate losses due to major natural disasters such as earthquake, fire or flood. Staff filled out the spreadsheet developed by ABAG that indicates the City's priorities. The mitigation strategy spreadsheet is the last of two major portions of Fremont's contribution to the LHMP. Staff is

BACKGROUND: In 2005, ABAG led Bay Area cities in developing the LHMP. The plan consisted of 324 mitigation strategies focusing on actions that would reduce damage from disasters. The strategies address reducing the loss of life, property damage, and disaster recovery. Approval of a LHMP by the Federal Emergency Management Agency (FEMA) allows jurisdictions to be eligible for various mitigation grants through FEMA, and results in the waiver of the 6.25% local match for public assistance dollars. ABAG is now leading the update of the plan, as required by FEMA. Fremont and over 115 cities, counties, and special districts are participating in the 2009 update.

For the update, the list of strategies has increased to over 357 to incorporate climate change, recovery planning, and mental health issues. In addition, the updated strategies include the regional priorities for mitigation, which are noted by the shaded cells in the spread sheet. The updated strategies were developed through ABAG by consensus at a series of sub-regional workshops. The City's response to the draft strategies is attached for the Council's review and comment; the spreadsheet is also posted on the City of Fremont web site. The final draft is due to ABAG as soon as comments are received by Council and the public.

As a participant in the LHMP efforts, the City is required to provide two opportunities for the public to comment on the strategy priorities. A review at a Council meeting and posting on the City's web site fulfill the public comment requirement. Currently, the Mitigation Strategies document is posted at the City of Fremont's website for public review until December 17, 2009.

Staff will complete the draft Mitigation Strategies based on Council direction and citizen input. Staff will forward the Mitigation Strategies to ABAG for inclusion in the multi-jurisdictional plan. ABAG will submit the plan to FEMA for approval. After FEMA approval of a final LHMP 2010, staff will prepare a resolution for the Council to adopt LHMP 2010. At this time, staff expects this to occur by the summer of 2010

<u>Plan Structure</u> - The Plan includes eight commitment areas: infrastructure, health, housing, economy, government services, education, environment, and land use systems. Each of these commitment areas has separately identified strategies, or action items, to help mitigate identified risks. In many cases, the City of Fremont already has existing programs to reduce the identified risks. For example, the City already has back-up emergency power available for critical intersection traffic lights. In other cases, the strategies are either not applicable or not a high priority. Some of the strategies are new for 2009 and have been highlighted.

FISCAL IMPACT: As noted above, adoption of the Local Hazard Mitigation Plan will enable the City to maintain its eligibility for pre and post-disaster hazard mitigation grant funds from FEMA.

ENVIRONMENTAL REVIEW: None required

ENCLOSURES: City of Fremont Hazard Mitigation Strategies for Infrastructure, Health, Housing, Economy, Government Services, Education, Environmental, and Land Use

RECOMMENDATION:

- 1. Review the attached Mitigation Strategies spreadsheets for the Local Hazard Mitigation Plan 2010 developed by the Association of Bay Area Governments and City staff, and specifically review the City's additions to this plan.
- 2. Receive public comment on the City's priorities as identified in the Mitigation Strategies and direct staff to continue working with ABAG and return to Council with a final version of the plan for adoption at a future date.

9.1 Council Referrals

9.1.1 MAYOR WASSERMAN REFERRAL: Reappointments to advisory bodies with terms expiring as follows:

Reappointments: Advisory Body Art Review Board	<i>Appointee</i> Laurie Manuel	Term Expires December 31, 2013
Economic Development Advisory Commission	Teresa Cox (At Large) Sheena Chang	December 31, 2013
George W. Patterson House Advisory Board	(Commercial/Industrial) Jessi Stokes	December 31, 2013 December 31, 2013
Historical Architectural	(Mission Peak Heritage Foun	ndation)
Review Board	Ed Pentaleri	December 31, 2013
Human Relations Commission	Joseph T. Smith Sister Patricia Walsh Raj Salwan	December 31, 2013 December 31, 2013 December 31, 2013
Environmental Services Commission	Maria-Louise Javier (Youth Organization) Balbir Singh (At Large)	December 31, 2013 December 31, 2013
Library Advisory Commission	Robert Monkman	December 31, 2013
Planning Commission	Yogi Chugh Dirk Lorenz	December 31, 2013 December 31, 2013
Recreation Commission	Larry Thompson John Christman Laura Winter	December 31, 2013 December 31, 2013 December 31, 2013
Senior Citizens Commission	Marlene Berndl Susan TenEyck	December 31, 2013 December 31, 2013
Youth Advisory Commission	Nathaniel Hirai Sloka Gundala Mirai Shah Aditi Aggrwal Aniruddha Dayal	December 31, 2011 December 31, 2011 December 31, 2011 December 31, 2011 December 31, 2011

Advisory Body
Appointee
Salil Babbar
December 31, 2011
Anisha Babbar
December 31, 2011

ENCLOSURES: None

9.1.2 VICE MAYOR WIECKOWSKI REFERRAL: Develop an Ordinance for City Council Consideration Prohibiting the Use of Polystyrene Foam Disposable Food Packaging.

Direct staff to develop an Ordinance for City Council consideration prohibiting the use of polystyrene foam disposable food packaging and requiring the use of environmentally preferable food packaging by retail food vendors and restaurants effective January 1, 2011.

9.2 Oral Reports on Meetings and Events

ACRONYMS

ABAGAssociation of Bay Area Governments	FUSD Fremont Unified School District
ACCMAAlameda County Congestion	GIS Geographic Information System
Management Agency	GPA General Plan Amendment
ACEAltamont Commuter Express	HARB Historical Architectural Review Board
ACFCDAlameda County Flood Control District	HBA Home Builders Association
ACTAAlameda County Transportation	HRC Human Relations Commission
Authority	ICMA International City/County Management
ACTIA Alameda County Transportation	Association
Improvement Authority	JPA Joint Powers Authority
ACWDAlameda County Water District	LLMD Lighting and Landscaping Maintenance
BAAQMD Bay Area Air Quality Management	District
District	LOCC League of California Cities
BARTBay Area Rapid Transit District	LOS Level of Service
BCDCBay Conservation & Development	MOU Memorandum of Understanding
Commission	MTC Metropolitan Transportation Commission
BMPs Best Management Practices	NEPA National Environmental Policy Act
BMRBelow Market Rate	NLC National League of Cities
CALPERSCalifornia Public Employees' Retirement	NPDES National Pollutant Discharge Elimination
System	System
CBDCentral Business District	NPO Neighborhood Preservation Ordinance
CDDCommunity Development Department	PC Planning Commission
CC & R's Covenants, Conditions & Restrictions	PD Planned District
CDBGCommunity Development Block Grant	PUC Public Utilities Commission
CEQACalifornia Environmental Quality Act	PVAW Private Vehicle Accessway
CERTCommunity Emergency Response Team	PWC Public Works Contract
CIPCapital Improvement Program	RDA Redevelopment Agency
CMACongestion Management Agency	RFP Request for Proposals
CNGCompressed Natural Gas	RFQ Request for Qualifications
COFCity of Fremont	RHNA Regional Housing Needs Allocation
COPPS Community Oriented Policing and Public	ROP Regional Occupational Program
Safety	RRIDRO Residential Rent Increase Dispute
CSACCalifornia State Association of Counties	Resolution Ordinance
CTC California Transportation Commission	RWQCB Regional Water Quality Control Board
dB Decibel	SACNET Southern Alameda County Narcotics
DEIR Draft Environmental Impact Report	Enforcement Task Force
DO Development Organization	
	SPAA Site Plan and Architectural Approval
DU/ACDwelling Units per Acre	STIP State Transportation Improvement
EBRPD East Bay Regional Park District	Program TODDE TO ON DE LE TRA
EDAC Economic Development Advisory	TCRDF Tri-Cities Recycling and Disposal Facility
Commission (City)	T&O Transportation and Operations
EIREnvironmental Impact Report (CEQA)	Department
EIS Environmental Impact Statement (NEPA)	TOD Transit Oriented Development
ERAFEducation Revenue Augmentation Fund	TS/MRF Transfer Station/Materials Recovery
EVAWEmergency Vehicle Accessway	Facility
FARFloor Area Ratio	UBC Uniform Building Code
FEMAFederal Emergency Management Agency	USD Union Sanitary District
FFDFremont Fire Department	VTA Santa Clara Valley Transportation
FMCFremont Municipal Code	Authority
FPDFremont Police Department	WMA Waste Management Authority
FRCFamily Resource Center	ZTAZoning Text Amendment

UPCOMING MEETING AND CHANNEL 27 BROADCAST SCHEDULE

Date	Time	Meeting Type	Location	Cable Channel 27
December 16, 2009 – January 11, 2010		Council Recess		
January 5, 2010		Cancelled		
January 12, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 19, 2010	TBD	Work Session	Council Chambers	Live
January 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 16, 2010	TBD	Work Session	Council Chambers	Live
February 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 16, 2010	TBD	Work Session	Council Chambers	Live
March 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 30, 2010 (5 th Tuesday)		No City Council Meeting		
April 6, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 20, 2010	TBD	Work Session	Council Chambers	Live
April 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live